IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16289 of 2004

Between:

Smt. M.V.M. Gouri Devi, W/o. Golamari Narayana Reddy,
Malyavanthanipadu Village, Markapur Mandal, Prakasam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Markapur, Prakasam District.
2 The Mandal Revenue Officer, Markapur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the proceedings No. RCH. 885/2004, dated June, 2004 received by the petitioner on 4-7-2004, of the first respondent as being arbitrary, illegal and unconstitutional and in gross violation of principles of natural justice and consequently set aside the same.

Counsel for the Petitioner : MR.G.NAGARAJU

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.16289 OF 2004

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ORAL ORDER :

The petitioner is the authorized dealer in respect of the fair price shop of Malyavanthanipadu, village, Markapur Mandal, Prakasam District. Her authorization has been suspended by the 1st respondent – Revenue Divisional Officer, Markapur alleging that she is selling the commodities at a higher price, not distributing the commodities to the cardholders properly and also on the ground that she tendered resignation due to ill-health. The said order which was served on the petitioner on 04-07-2004, is under challenge in this writ petition.

Against the impugned order, an alternative remedy is available under the statute by way of appeal. Admittedly, the petitioner has already preferred an appeal which is

pending before the Joint Collector, Ongole, Prakasam District. Since the Statutory Appeal is pending, I am not inclined to express any opinion with regard to the correctness of the allegations made against the petitioner or the validity of the impugned order of suspension. However, keeping in view the plea of the petitioner that the Joint Collector, Ongole, Prakasam District has failed to consider her appeal and no orders have been passed even on her application for stay so far, I deem it appropriate to dispose of the writ petition with a direction to the Joint Collector, Ongole, Prakasam District to dispose of the appeal pending on his file against the impugned order of suspension passed by the Revenue Divisional Officer, Markapur and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of two weeks from the date of receipt of this order.

Writ petition is accordingly disposed of. No costs.

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13th September, 2004.

Gbs

Note:- Office is directed to communicate
a copy of this order to the Joint Collector,
Ongole, Prakasam District.
(B/O)
gbs

To

1 The Revenue Divisional Officer, Markapur, Prakasam District.
2 The Mandal Revenue Officer, Markapur, Prakasam District.

3.2CCs to G.P. for Civil Supplies, High Court of AP Bldgs, Hyderabad.(OUT).

4.2CD copies

5.The Joint Collector, Ongole, Prakasam District.